IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Appeal No.645 of 2007
With
Criminal Application No. 791 of 2007

Bhagwan Vitthal Bhore — Appellant
Vs.
The State of Maharashtra — Respondent

Mr.Prasad Kulkarni for appellant.
Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 31, 2007.

P.C.

. Heard Mr.Prasad Kulkarni for the appellant - accused and Mr.Shitole, the learned APP appears for the State. This appeal arises from the order of conviction and sentence passed in Sessions Case No. 116 of 2005 by the learned Ad-hoc Addl. Sessions Judge - II, Solapur vide his judgment and order dated 22/5/2007. The appellant was the sole accused in the said case and he has been convicted for the offence punishable under Section 323 of IPC and sentenced to suffer RI for six months and to pay a fine of Rs.500/-, in default of payment of fine, he shall suffer further RI for three months. He has also been granted the benefit of set off against the jail period, if any.

. It appears that on 16/7/1993 there was some quarrel between two groups viz. the first group of Tukaram Bhore and the second group of Vitthal Bhore and in the said quarrel some persons from either of the groups had sustained injuries. On the complaint filed by the group of Tukaram Bhore, Sessions Case No.116 of 2005 came to be tried against the present appellant whereas on the complaint filed by the group led by Vitthal Bhore, Bhimashankar son of Tukaram Bhore, Atmanand son of Maruti Waghmare and Madhukar son of Shivram Bhore were put on trial in Sessions Case No.115 of 2005 and as per the judgment and order dated 22/5/2007, accused no.1 - Bhimashankar has been convicted for the offence punishable under Section 307 of IPC and sentenced to suffer RI for three years and to pay a fine of Rs. 2000/- and in default thereof, to suffer further RI for six months. Accused no.1 - Bhimashankar has been acquitted from the other offences punishable under Sections 323, 504, 506 read with Section 34 of IPC. Similarly other accused have been acquitted from all the charges. The said order of conviction and sentence is under challenge in Criminal Appeal No.561 of 2007.

. In this appeal today Shri Suryakant Tukaram Bhore has filed an affidavit and stated that they are all the residents of the same village and the incident occurred in the year 1993 and has not left any mark of inimical relationship or otherwise and on the contrary the relations between both the parties are presently friendly and cordial. The disputes which were the reason for the incident have been amicably settled and during the last about 14 years there had been no untoward incident between the parties. He also states that the settlement between the parties has been bona fide and without any fear or pressure and that none of the parties carry the scar or slur of the incident any further. He has, therefore, prayed for compounding the offence punishable under Section 323 of IPC as against the appellant. Shri Kulkarni, therefore, prayed for an appropriate order of this Court under Section 320(6) of Cr.P.C. for compounding the offence.

. The prayer for compounding is hereby allowed under Section 320(6) of Cr.P.C. and the appellant stands acquitted for the offence punishable under Section 323 of IPC. Consequently the impugned order of conviction and sentence is hereby quashed and the

appeal is disposed off accordingly.

. Criminal Application No.791 of 2007 does not survive and the same stands disposed.

(B.H.MARL